



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

February 17, 2005

IN REPLY PLEASE

REFER TO FILE: **MP-5**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF INTENTION TO VACATE A PORTION OF BREA CANYON CUT-OFF ROAD NORTHWEST OF PATHFINDER ROAD - ROWLAND HEIGHTS
FUTURE PUBLIC HEARING
SUPERVISORIAL DISTRICT 4
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the enclosed Resolution of Intention to Vacate a portion of Brea Canyon Cut-off Road (40 feet wide) northwest of Pathfinder Road, in the unincorporated County area known as Rowland Heights, pursuant to Section 8320, et seq., of the California Streets and Highways Code.
2. Set the matter for hearing not less than 15 days from the adoption of the Resolution pursuant to Section 8320 of the California Streets and Highways Code.
3. Instruct the Executive Officer of the Board to publish the enclosed Notice of Proposed Vacation pursuant to Section 8322 of the California Streets and Highways Code.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

Adopt the enclosed Resolution to Vacate on the date of the hearing, pursuant to Section 8324 of the California Streets and Highways Code, after finding that:

1. The vacation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. The area proposed to be vacated is no longer needed for present or prospective public use, and not used as a nonmotorized transportation facility.
3. The public convenience and necessity require the reservation and exception of easements and rights as set forth in Section 8340 of the California Streets and Highways Code.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Mr. Chris Fung, one of the adjoining property owners, requested this vacation to remove from the record all public easement rights within the right of way. Mr. Fung proposes to construct a residential structure within his property free of a rear setback requirement due to Brea Canyon Cut-off Road (40 feet wide), a remnant portion of an unimproved public street. The vacation, if approved by your Board, increases the buildable area of each adjoining property by 20 feet. Mr. Fung's property is bounded by Brea Canyon Cut-off Road (80 feet wide) on the east and by Brea Canyon Cut-off Road (40 feet wide) on the west. The road on the west is part of Brea Canyon Cut-off Road that has been physically abandoned by relocation.

It is in the County's best interest to vacate the excess right of way since it no longer serves the purpose for which it was dedicated nor is it required for general public access, circulation, or for bicycle paths and trails. The vacation will not cut off access to adjacent properties or negatively impact the surrounding properties. The properties on the west adjoining/fronting the proposed vacation area are approximately 25 feet above the vacation area and are served by private streets.

Implementation of Strategic Plan Goals

This action is consistent with the County's Strategic Plan Goal of Fiscal Responsibility as the vacation of a portion of the roadway will result in added revenue through assessment and taxation, eliminates unnecessary maintenance costs, and removes possible County exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the roadway will not have a negative fiscal impact on the County's budget. A fee of \$2,000 has been paid by the petitioner to defray the expenses of investigation, mailings, publications, and posting. The fee is authorized by your Board in Resolution

adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 13,577 square feet and is shown on the map attached to each Resolution.

The County's interest was acquired by dedication on the Map of Tract No. 9058, recorded in Book 144, pages 98 to 100, inclusive, of Maps, on file in the Office of the Recorder of the County of Los Angeles, on December 5, 1927, as an easement for public road purposes. There is currently no justification for the County to retain this segment of Brea Canyon Cut-off Road. Road improvements were demolished as a result of relocation/realignment of the road. The road is currently closed to public use and does not serve any other properties in the area.

The Public Streets, Highways and Service Easement Vacation Law allows your Board to voluntarily relinquish the County's interest and terminate the public's right over a right of way/easement. Adoption by your Board of the Resolution to Vacate will terminate the rights of the public to the vacated area and disposes of excess County right of way. Your action will also result in the properties being unencumbered of the public easement, thereby allowing the underlying fee owner to exercise their reversionary rights over the vacated area.

ENVIRONMENTAL DOCUMENTATION

This proposed vacation is categorically exempt from CEQA, as specified in Sections 15304, 15305, 15312, and 15321 of the State CEQA Statutes and Guidelines, and as specified in Classes 4, 5, 12, and 21 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County of Los Angeles Fire Department has determined that fire and medical emergencies will not be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation of a portion of Brea Canyon Cut-off Road is not in conflict with the County-adopted General Plan and that the right of way is not suitable for bicycle paths and trails.

The Honorable Board of Supervisors
February 17, 2005
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CONCLUSION

This action is in the County's best interest. Enclosed are a Resolution of Intention and a Resolution to Vacate, approved as to form by County Counsel, conditionally vacating a portion of Brea Canyon Cut-off Road (40 feet wide) northwest of Pathfinder Road. Upon adoption of the Resolution of Intention, please transmit two conformed copies of the Resolution and the Notice of Proposed Vacation to Public Works, which will post the Notice pursuant to California Streets and Highways Code Section 8323. Upon adoption of the Resolution to Vacate, please return the executed original, together with two conformed copies and a copy of the Board's minute order, for further processing. Public Works will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed original/copy for your files.

One approved copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE
Acting Director of Public Works

CVC:psr
P5:\BD LTR BREA CYN -2

Enc.

cc: Auditor-Controller (Accounting Division - Asset Management)
Chief Administrative Office
County Counsel

RESOLUTION OF INTENTION TO VACATE

WHEREAS, it is proposed that a portion of Brea Canyon Cut-off Road (40 feet wide) northwest of Pathfinder Road be vacated as a County highway; and

WHEREAS, the proposed vacation has been approved by the Director of the County of Los Angeles Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California, that it is the intention of said Board of Supervisors to order that the aforementioned right of way legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto and incorporated herein by this reference covering the right of way in the County of Los Angeles, State of California, be vacated pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8320.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, the ____ day of _____, 20____, at the hour of _____ a.m./p.m. of said day, is the day and hour, and the Hearing Room of the Board of Supervisors, 381 Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California, 90012, is the place fixed by the Board of Supervisors when and where any and all persons having objections to the proposed vacation may appear before the said Board of Supervisors and show cause why said proposed vacation should not be made in accordance with this Resolution.

IT IS FURTHER ORDERED that a notice of such proposed vacation is to be conspicuously posted, along the line of the area proposed to be vacated in the manner and in the form required by law, and shall cause same to be published in _____ a newspaper of general circulation published in the County, for at least two successive weeks prior to the day fixed for the hearing.

The foregoing Resolution was on the ____ day of _____, 20____, adopted and ordered by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By _____
Deputy

By _____
Deputy

**NOTICE OF PROPOSED VACATION OF A PORTION OF BREA CANYON CUT-OFF
ROAD IN THE VICINITY OF ROWLAND HEIGHTS
FOURTH SUPERVISORIAL DISTRICT**

NOTICE IS HEREBY GIVEN that a Resolution of Intention was adopted by the Board of Supervisors of the County of Los Angeles on _____, 20____, declaring its intention to vacate a portion of Brea Canyon Cut-off Road (40 feet wide) northwest of Pathfinder Road (Rowland Heights, California, 91789) in the 4th Supervisorial District, as described in Exhibit "A" and as shown by the map in Exhibit "B", attached hereto and incorporated herein by reference.

The vacation proceeding is conducted pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code of the State of California, commencing with Section 8320.

A hearing on the proposed vacation will be held in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012, on _____, 20____, at _____ a.m./p.m.

By order of the Board of Supervisors of the County of Los Angeles, State of California, adopted _____, 20____.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By _____
Deputy

By _____
Deputy

RESOLUTION TO VACATE WITH RESERVATIONS

WHEREAS, the Board of Supervisors of the County of Los Angeles, State of California, did on _____, 20____, adopt the Resolution of Intention to vacate as a County highway/easement a portion of Brea Canyon Cut-off Road northwest of Pathfinder Road in the vicinity of Rowland Heights in the County of Los Angeles, State of California, legally described in Exhibit "A" and shown by map in Exhibit "B" attached to said Resolution; pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8320; and

WHEREAS, pursuant to said Resolution, notice of proposed vacation has been given by publication and by posting; and

WHEREAS, said Board of Supervisors held a public hearing on said proposed vacation _____, 20____; and

WHEREAS, said Board of Supervisors has found and determined that, the area to be vacated is no longer necessary for present or prospective public use based upon the following facts: That the subject right of way is not required for general public access, circulation, including bicycle paths and trails.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, that the above-referenced right of way is hereby vacated pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8320;

AND BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the Office of the Recorder of the County of Los Angeles, at which time the area vacated will no longer be a County highway.

The foregoing Resolution was on the _____ day of _____, 20____, adopted by the Board of Supervisors of the County of Los Angeles, State of California.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By _____
Deputy

Brea Canyon Cut-off Road
North of Pathfinder Road
A.M.B. 8764-024
T.G. 679-F6
I.M. 099-317
Fourth District
M0588112

EXHIBIT "A"

That portion of BREA CANYON CUT-OFF ROAD (formerly known as BREA CANYON CUT-OFF), 40 feet and variable width, in the unincorporated territory of the County of Los Angeles, State of California, as shown on and dedicated to the public use, by map of Tract No. 9058 recorded in Book 144, pages 98,99 and 100 of Maps, in the Office of the Recorder, of said county; bounded on the northeast by that certain 720 foot radius curve in the southwesterly side line of BREA CANYON CUTOFF ROAD, 80 feet wide described as Part A in a Road Deed to said county for public road and highway purposes, recorded on July 12, 1983, as Instrument No. 83-784766, of Official Records, in the office of said Recorder; bounded on the west by that certain line in the westerly side line of said BREA CANYON CUT-OFF ROAD (40 feet wide) having a bearing of S. 8° 13' 35" E., as shown on said map and its northerly prolongation to its intersection with said above mentioned certain 720 foot radius curve; and bounded on the southeast by the southwesterly continuation of that certain 130 foot radius curve in the northwesterly side line of said BREA CANYON CUTOFF ROAD, 60 feet wide, described as Part F, in said road deed.

RESERVING to the Los Angeles County Flood Control District, appurtenant structures and ingress and egress purposes in, on, over and across the above-described portion of BREA CANYON CUT-OFF ROAD herein being vacated.

Also RESERVING easements and rights for utility purposes to Southern California Edison Company, The Gas Company and Verizon in, on, over and across the above-described portion of BREA CANYON CUT-OFF ROAD herein being vacated.

The reservation herein being made is done in accordance with the provision of Sections 8340 and 8341 of the Streets and Highways Code of the State of California.

Total Area: 13,577 ± square feet

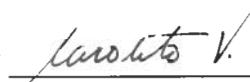
Description Approved

JAN 25 2005

Donald L. Wolfe

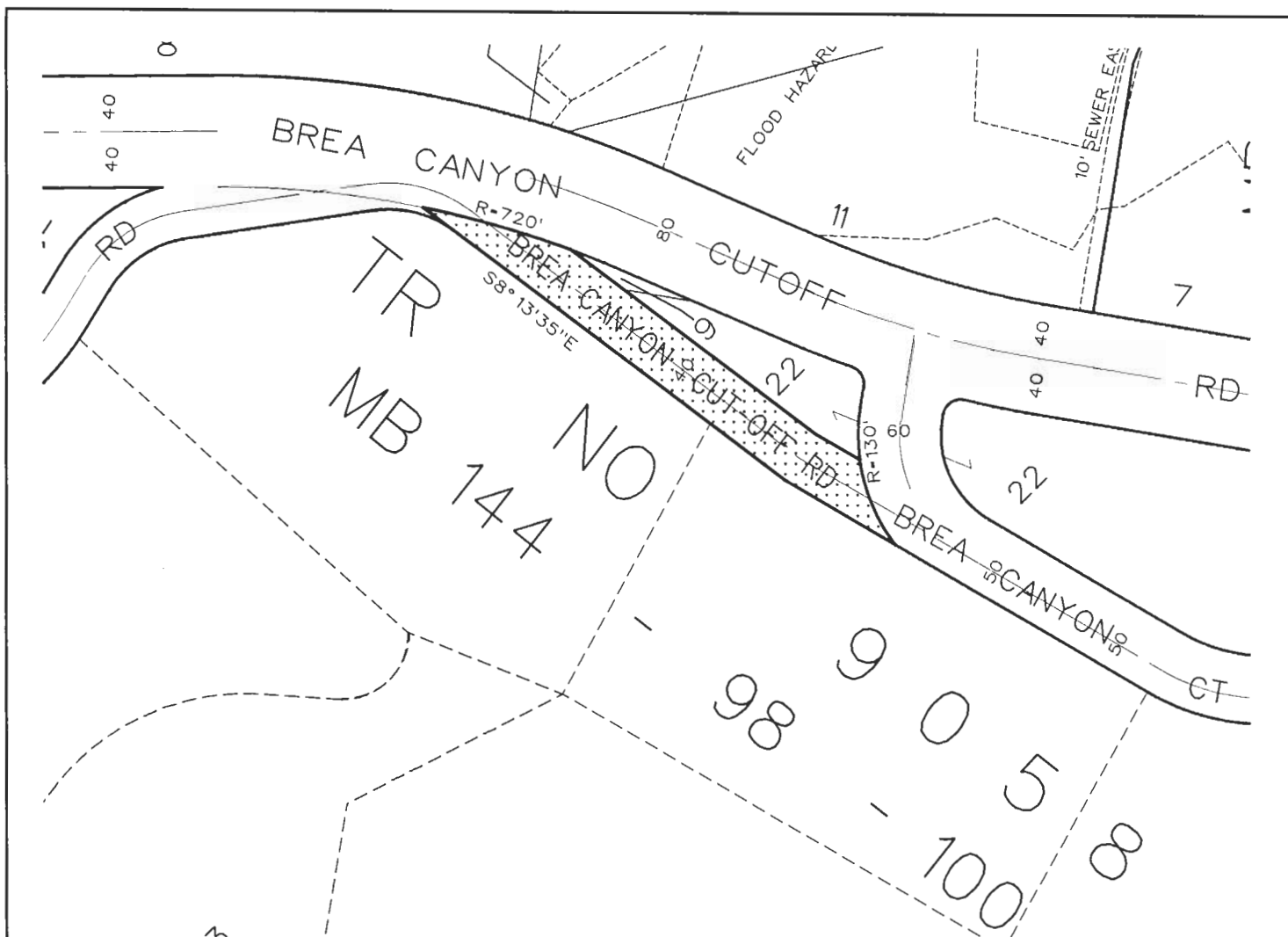
Acting Director of Public Works

By



Deputy

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the Land Surveyors Act.



SUBJECT LOCATION

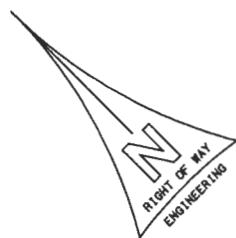
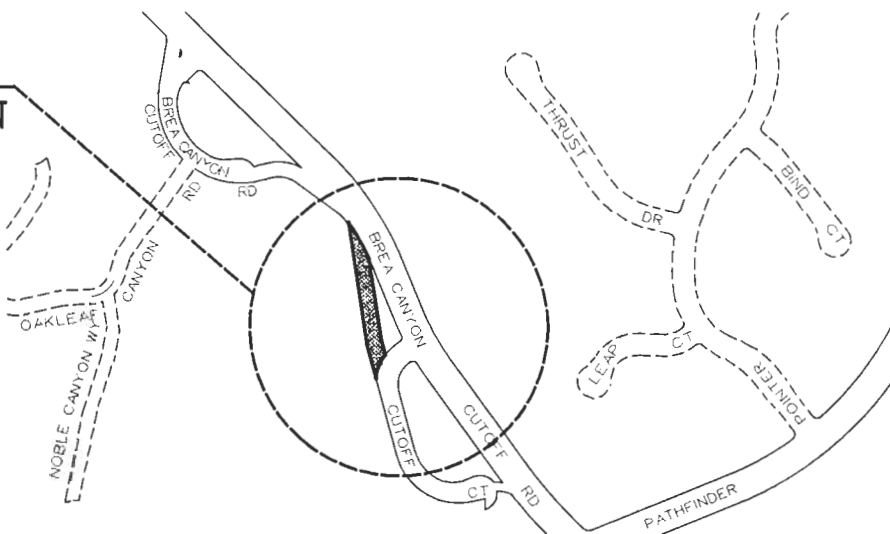


EXHIBIT B



LEGEND



Area to be vacated
Total Area 13,577± s.f.

REVISIONS

1. 10-29-03

2. 6-23-04

3. 1-25-05

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD.
4

RD.
417

A.M.B.
8764-024

T.G.
679-F6

**BREA CANYON
CUT-OFF N/O
PATHFINDER ROAD**

**DRAWING NO.
M0588112**

SCALE
NONE

DATE
6-7-04

I.M.
099-317